

HALL & ASSOCIATES

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February 6, 2020

VIA FOIA ONLINE

Regional Freedom of Information Officer
U.S. EPA, Region 1 (OARM01-6)
5 Post Office Square, Suite 100
Boston, MA 02109-3912
Facsimile: (617) 918-1102
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RE: FOIA Request Regarding Effect of Great Bay General Permit on MS4 Requirements

To Whom This May Concern:

This is a request for public records pursuant to the Freedom of Information Act ("FOIA"), 5 U.S.C. § 552, as implemented by the Environmental Protection Agency ("EPA") at 40 C.F.R. Part 2.

Background

EPA has indicated in various meetings and correspondence that the Great Bay Estuary is impaired by nitrogen and those nitrogen levels are precluding the restoration of eelgrass beds to historical levels. EPA has also stated that the maximum TN load to the system cannot exceed 100 kg-TN/ha-year as such loading precludes eelgrass presence in estuarine embayment. *See*, draft General Permit issued January 2020. As part of the General Permit for the POTW's, the Agency stated that the MS4 communities in the Great Bay watershed will have at least a 39% TN load reduction requirement imposed in the next permitting round. *See* Fact Sheet at 28-29.

Request

This request seeks:

- Any records discussing the effect of the Great Bay General Permit decision to limit the total nitrogen watershed loading to 100 kg/ha-yr on the MS4 program requirements for the Great Bay system.
- Any correspondence (including email communications) with any entity or person outside the agency discussing the effect of the Great Bay General Permit TN reduction on the MS4 program requirements.

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This request only seeks existing agency records and does not ask for the agency to conduct any new analysis or develop new records.

Please contact the undersigned if the associated search and duplication costs are anticipated to exceed \$100.00. If the requested documents are withheld based upon any asserted privilege, please identify the basis for the non-disclosure.

If you have any questions regarding this request, please do not hesitate to contact this office so as to ensure that only the necessary documents are duplicated.

Respectfully,

//s// Erin Thomas
Erin Thomas